ORIGINAL

FILED

March 9 2010

Ed Smith

CLERK OF THE SUPREME COURT

STATE OF MONTANA

1 Tracy Axelberg

CHRISTENSEN, MOORE, COCKRELL, CUMMINGS & AXELBERG, P.C.

P.O. Box 7370

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

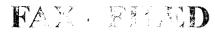
24

25

Kalispell, MT 59904-0370

Telephone: (406) 751-6000

Facsimile: (406) 756-6522



MAR € € 2010

CLERK OF THE COURT STATE OF THE COURT

Rule 7 Mediator

IN THE SUPREME COURT OF THE STATE OF MONTANA Supreme Court Cause No. DA-09-0578

HERMAN GONZALES; FAWN LYONS; KEN LAUDATO; LAWRENCE WALKER; GARY MANSIKKA; GARY GALETTI; GREG WHITING; MARVIN KRONE; RICHARD BLACK; JIM KELLY; CHRIS SOUSLEY; and all others similarly situated,

Plaintiffs/Appellees,

VS.

MONTANA POWER COMPANY; NORTHWESTERN CORPORATION, a Delaware Corporation, as a reorganized debtor, subsequent to its plan confirmation, hereinafter referred to as NOR; NORTHWESTERN CORPORATION d/b/a NORTHWESTERN ENERGY; PUTMAN AND ASSOCIATES, INC., a Montana Corporation; and JOHN DOES IV–XX,

Defendants/Appellants.

Montana Second Judicial District
Court
Silver Bow County
Cause No. DV-98-253

RULE 7 MEDIATOR'S FIFTH STATUS REPORT TO THE COURT

27

28

26

There has been a temporary setback in our efforts to finalize the settlement documents. One of the principle architects of those documents, Lon Dale, was unable to get a pending civil case settled (due to an ineffective mediator - see signator below) and tried the case in Billings during the week of March 1, 2010. As such, Mr. Dale has been largely unavailable since the filing of the last status report.

Counsel and the undersigned are scheduled to meet in Helena for another (and hopefully final) work session on March 25, 2010. Another status report will be filed with the Court on March 26, 2010.

We appreciate the Court's patience.

RESPECTFULLY SUBMITTED this 9th day of March, 2010.

Tracy Axelberg
Rule 7 Mediator

CERTIFICATE OF SERVICE

2

1

3

5

6

7

8

9

10

11

12

13

14

15

16 17

18

19

20

21

2223

24

2526

27

28

I, Caroline L. Miller, one of the staff of the law firm of CHRISTENSEN, MOORE, COCKRELL, CUMMINGS & AXELBERG, P.C., do hereby certify that I served the foregoing document by mailing a copy thereof, first-class, postage prepaid to:

Lon J. Dale, Esq. MILODRAGOVICH, DALE, STEINBRENNER & NYGREN, PC 620 High Park Way P. O. Box 4947 Missoula, MT 59806-4947

Chris J. Ragar, Esq. RAGAR LAW OFFICE 2050 W. Dickerson, Suite B Bozeman, MT 59718

Jason S. Ritchie, Esq. Jeanne Matthews Bender, Esq. HOLLAND & HART, LLP 401 North 31st Street, Suite 1500 P. O. Box 639 Billings, MT 59103-0639 Oliver H. Goe, Esq. Chad E. Adams, Esq. Chad R. Vanisko, Esq. BROWNING, KALECZYC, BERRY & HOVEN, P.C. 139 N. Last Chance Gulch P. O. Box 1697 Helena, MT 59624-1697

Joe Seifert, Esq. Thomas Q. Johnson, Esq. KELLER, REYNOLDS, DRAKE, JOHNSON & GILLESPIE, P.C. 50 Last Chance Gulch, 3rd Flr. P. O. Box 598 Helena, MT 59601-0598

This Status Report was filed with the Court via facsimile to 406-444-5705 on March 9, 2010, and the original was mailed via first-class mail on the same date.

Caroline L. Miller Date: March 9, 2010